

AFFIDAVIT

I, Kim Nusser, Task Force Agent, of the Drug Enforcement Administration (DEA), hereinafter referred to as your Affiant, being first duly sworn, depose and state:

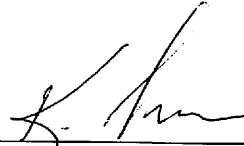
This affidavit is in support of a Criminal Complaint for the arrest of JASON JOHN PAYNE:

1. Kim Nusser, is a Special Agent with the Attorney General, State of Ohio, Bureau of Criminal Identification and Investigation (BCI), and has been so employed since February of 1996. Prior to employment with (BCI) Affiant was employed as a police officer in East Liverpool, Columbiana County, Ohio, obtaining the rank of detective, and in 1992 was assigned to the Columbiana County Drug Task Force. Prior to Affiant's East Liverpool employment, your Affiant was employed as a police officer for the Saint Clair Township Police Department. In total, your Affiant has been employed continuously as a law enforcement officer for twenty years.
2. Your Affiant is assigned to the United States Department of Justice, Drug Enforcement Administration (DEA) as a Task Force Agent, within the meaning of Section 878(a) of Title 21, United States Code, as an officer who is empowered by law to conduct investigations, of Title 18, United States Code and Title 21, United States Code, and has been so assigned since May 1998.
3. Your Affiant has received extensive training by BCI, DEA and other law enforcement agencies in the investigation, detection and apprehension of persons unlawfully possessing, distributing and possessing with intent to distribute, and conspiracy to distribute controlled substances.
4. Your Affiant has participated in the investigation/arrest of no less than two hundred narcotics suspects for controlled substance violations. Your Affiant has worked undercover, dealt with informants, conducted surveillance, arrested suspects, proposed and executed search warrants and seized various forms of evidence to show criminal intent. Your Affiant has questioned suspects, debriefed informants and has conferred with other Officers plus Prosecuting Attorneys and as a result has gained considerable experience. In February of 1998 your Affiant was issued trained narcotics canine "Dino" by BCI. Your Affiant and the trained narcotic canine "Dino" received training at Castle K9 Incorporated in Mechanicsburg, Pennsylvania, with Master Trainer Bill Castle. The canine team was certified by the North American Police Work Dog Association in the detection of marijuana, cocaine, heroin, methamphetamine and their derivatives. The canine team of the Affiant and trained narcotic canine "Dino" have also been certified by the State of Ohio, Ohio Peace Officers Training Academy, for the detection of marijuana, cocaine, heroin, and their derivatives. The course instructors are narcotic officers who are certified by the State of Ohio in drug detection and canine instruction. Through both the State and National Certifications, and training received from Castle K9 Incorporated, Affiant was trained on how to handle a detector dog and to

read his alerts. Affiant works with canine "Dino" on a daily basis and initiates retraining with "Dino" on at least a bi-monthly basis.

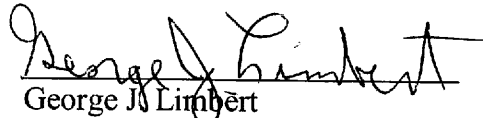
5. On May 5, 2005 at approximately 7:45 a.m., your Affiant and TFA Tim Hughes were conducting small parcel interdiction at the Youngstown Federal Express Terminal. TFA Nusser observed a brown cardboard box bearing a handwritten Federal Express label bound for one Tracy Payne, 452 Ferndale, Youngstown, Ohio. The parcel was shipped from Tiesha Payne, P.O. Box 81726, Dallas, Texas. The parcel was shipped priority overnight, at a cost of \$88.97, paid in cash.
6. TFA Nusser then deployed trained narcotic detection K-9 "Dino" on a group of parcels with known or void of contents and the suspect parcel. K-9 "Dino" alerted positive to the odor of narcotics on or about the suspect parcel.
7. On May 5, 2005 at approximately 10:00 a.m., TFA Tim Hughes appeared before Honorable Mahoning County Common Pleas Judge Cronin for a State of Ohio search warrant. Judge Cronin ordered the search of the parcel.
8. On 05/05/2005 at approximately 11:00 a.m., the search warrant of the parcel was executed at the DEA R.O. by your Affiant, TFA Hughes and TFA Deville. Enclosed within the parcel was a Children's toy Star Wars "Darth Vader" helmet. Concealed in the toy was a carbon paper, plastic and duct taped wrapped cube shaped object, consisting of an off white powder. A field test by TFA DeVille of the substance indicated the presence of cocaine.
9. A small portion of the substance was removed and sealed in a clear heat-sealed evidence envelope. A cardboard box was then prepared with the original shipping label and children's toy. The small portion of the substance was then placed in the toy within the box.
10. At approximately 11:59 a.m., TFA Tim Hughes, acting in an undercover capacity as a Federal Express courier, arrived at 452 Ferndale Street, Youngstown, Ohio. TFA Hughes delivered said parcel to JASON PAYNE. Jason PAYNE was then observed by your Affiant placing the parcel in the trunk of a white vehicle bearing Ohio registration DCC 4376. PAYNE then departed the area in the same vehicle. PAYNE was then immediately traffic stopped by members of DEA Youngstown. PAYNE was detained, Mirandized and stated he wished to cooperate with agents. PAYNE told the agents that he had sent the parcel to his mother's residence at 452 Ferndale Street, Youngstown, Ohio from Texas where he is currently residing. PAYNE then flew to Ohio to accept the parcel, which, he intended to distribute in the Youngstown, Ohio area.
11. Included in property seized from Jason PAYNE at the time of his arrest was the original ink "customer copy" Federal Express label, matching the label displayed on the seized parcel, and the parcel prepared by DEA and delivered by TFA Tim Hughes.

12. Based on the foregoing your Affiant believes there is probable cause to believe that Jason PAYNE did knowingly and intentionally possess with intent to distribute in excess of 500 grams of powder cocaine a scheduled II narcotic drug , Title 21 United States Code section 841(a)(1)



Kim Nusser
Task Force Agent
Drug Enforcement Administration

Sworn to and subscribed before me this 6th day of May, 2005.



George J. Limbert
United States Magistrate Judge